

REMARKS/ARGUMENTS

Support for the amendment to Claim 11 is found at the originally filed claims and throughout the originally filed specification.

No new matter has been added.

Applicants respectfully traverse the obviousness rejection of Claims 11-20 as being unpatentable over Yanagawa in view of the Drug Information Handbook (DIH). Yanagawa, while generically disclosing “any physiological substance which has a molecular weight of not more than 40,000 and is nasally administrable,” does not describe or suggest fentanyl, fentanyl citrate, and a droperidol/fentanyl citrate preparation, a feature of, for example, present Claim 11.

Further, column 6, lines 5-7, of Yanagawa, describe that physiologically active peptides are the preferred physiological substances. Yanagawa does not, however, describe that any drug other than select peptides are absorbed nasally, and all of the examples of Yanagawa are drawn to peptides. Accordingly, Yanagawa is not enabled for physiological substances other than peptides, (i.e., is not enabled for fentanyl, fentanyl citrate, and a droperidol/fentanyl citrate preparation) and thus, does not constitute a proper rejection reference, either alone, or combined with the DIH.

Withdrawal of the obviousness rejection is requested.

The double patenting rejection of Claims 1-2, 4 and 9-14 over Yanagawa in combination with the DIH is respectfully traversed, because the cited claims do not describe or suggest all of the limitations of the present claims. Withdrawal of the double patenting rejection is requested.

Applicants submit the present application is now in condition for allowance. Early notification to this effect is earnestly solicited.

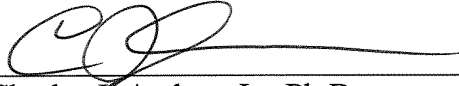
Application No. 10/519,677

Reply to the Official Communication of August 21, 2007

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

A handwritten signature in black ink, appearing to be 'CJ Andres', written over a horizontal line.

Charles J. Andres, Jr., Ph.D.

Attorney of Record

Registration No. 57,537

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

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